

RULES OF COURT

RULE 1 ADOPTION OF RULES

IT IS ORDERED that these local rules are adopted for the Knox County Circuit Court, Division Four, Sixth Judicial Circuit, effective December 16, 2009, replacing all previous local rules governing Fourth Circuit Court. The Clerk shall spread the same upon the Minutes.

RULE 2 OBTAINING SETTINGS FOR PRE-TRIAL AND POST-TRIAL MOTIONS

All pre-trial and post-trial motions shall be set by counsel with the Clerk. Motions are limited to one hour. The motions will be heard and disposed of in open court upon motion days. The dates for motion days are posted at http://www.knoxcounty.org/fourthcircuitcourt/motion_calendar.php

RULE 3 OBTAINING SETTINGS FOR TRIALS

Settings in all newly-commenced litigation in which an answer or answer/counterclaim has been filed will be set for trial by counsel upon application to the Judicial Secretary. At that time, counsel may also wish to ask for a trial management conference to be scheduled. Information about trial managements is available at the Fourth Circuit Court webpage available through www.knoxcounty.org/fourthcircuitcourt/trial_management_calendar.php

RULE 4 OBTAINING SETTINGS FOR UNCONTESTED MATTERS

Counsel will set all uncontested matters by obtaining settings from the Clerk. The Clerk will provide a date for prompt hearing pursuant to statutory periods.

RULE 5 OBTAINING SETTINGS FOR CHILD SUPPORT MATTERS

The Referee shall hear all pre- and post-divorce trial child support matters, and also all alimony, visitation, and custody matters where child support is at issue. If the Referee determines that such visitation or custody issues are not ancillary to child support, the Referee shall refer visitation and custody issues to the appropriate court for hearing.

RULE 6 CONTINUANCES OF TRIAL DAYS

Continuances of the case-in-chief may be obtained only from the Court, for good cause shown, and upon approval and entry of an appropriate order prepared by counsel.

RULE 7
SOCIAL SECURITY NUMBERS REQUIRED
FOR ALL DOMESTIC RELATIONS FILINGS

All divorce complaints and all new filings in previously concluded domestic cases shall provide the social security numbers of the parties and (if possible) of their children, pursuant to applicable (and frequently changing) statutory requirements. Please consult with the Clerk as to the mechanics of fulfilling this obligation.

RULE 8
UCCJEA DECLARATIONS

Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, Tenn. Code Ann §36-6-201 *et seq.*, all filings in which the custody of a child is at issue shall set forth in the first filing presented to the Court, the information required by that statute, and in particular by Tenn. Code Ann. §36-6-224.

RULE 9
FINANCIAL AFFIDAVITS

(A) Financial affidavits of income, expenses, debts, and assets shall be filed by counsel at or before all hearings in which financial matters are at issue. Where *pendente lite* support hearings have been held, the earlier filed affidavits shall be updated by the filing of a revised affidavit on or before the day of trial.

(B) A party requesting *pendente lite* child support shall file the following documents with the complaint for divorce, or with a motion for *pendente lite* support filed subsequent to the filing of a complaint for divorce:

1. a copy of the previous year's joint tax return, or a copy of the individual return of the other party, if available;
2. an estimated financial statement of the other party's gross income for the preceding year, and an estimate of the other party's average monthly gross and net income;
3. an affidavit of the requesting party's average monthly expenses.

The defendant (responding party) shall file and serve with his/her answer or response to the motion the following documents:

1. a responsive financial affidavit setting forth his/her average monthly gross and net income and average monthly expenses;
2. the most recent pay stub and all other documents reflecting year-to-date income;
3. the previous year's tax return, if filed.

Upon the filing of a motion for *pendente lite* child support **and the submission of a proposed order to the court**, the issue shall be adjudicated by the child support referee on the basis of the above documents filed, but not until the responding party has had appropriate time under the Tennessee Rules of Civil Procedure to respond to the complaint or the motion requesting support. The order of the referee reflecting the adjudication shall be served on both parties or their counsel. Either party may appeal the ruling within ten (10) days following receipt of said order and request a hearing before the referee on the issues adjudicated. If such a hearing takes place, a party shall have ten (10) days to appeal the findings and recommendations of the referee to the judge of the Fourth Circuit Court.

(C) A party requesting *pendente lite* spousal support shall file:

- (1) the documents identified in the rule regarding *pendente lite* child support with his/her complaint for divorce, or with a motion for *pendente lite* spousal support filed subsequent to the filing of a complaint for divorce;
- (2) a financial affidavit reflecting his/her average monthly expenses and income;
- (3) his/her previous year's tax return
- (4) his/her most recent pay stub reflecting year-to-date income; and
- (5) a statement regarding the application of any of the other statutory factors contained in Tenn. Code Ann. §36-5-101 which that party wishes to be considered by the Court.

The respondent shall then file:

- (1) the responsive documents set forth for *pendente lite* child support in the manner provided for therein;
- (2) an affidavit of his/her average monthly expenses
- (3) an estimated financial statement of the other party's gross income for the preceding year;
- (4) an estimate of the other party's monthly gross and net income, as well as other party's average monthly expenses; and
- (5) a statement regarding the application of any of the other statutory factors contained in Tenn. Code Ann. §36-5-101 which the Respondent wishes to be considered by the court.

Upon submission of a proposed order to the Court, and after the responding party has had appropriate time under the Tennessee Rules of Civil Procedure within which to respond to the request for support, adjudication of *pendente lite* spousal support issues shall be by the judge on the basis of the documents submitted by the parties, unless there is also pending a request for *pendente lite* child support, in which case both requests will be dealt with by the referee.

The order reflecting the adjudication shall be served on both parties or their counsel. Either party may appeal the ruling and request a hearing within ten (10) days following receipt of said order. Appeals in cases in which there are issues of child support shall be dealt with by the referee. Appeals in cases in which there are no issues of child support shall be dealt with by the judge of the court in which said action is filed. A party shall have ten (10) days to appeal findings and recommendations of the referee to the judge.

RULE 10
PRE-TRIAL STIPULATIONS AS TO
SEPARATE AND MARITAL PROPERTY

At least forty-eight (48) hours before the day of trial, the parties shall file with the Clerk three (3) JOINTLY EXECUTED AGREED STIPULATIONS as to real and personal property, setting forth, pursuant to the criteria of Tenn. Code Ann. 36-4-121: (1) the real and personal *separate* property and debt of each of the parties; (2) the real and personal *marital* property and debt of the parties; (3) the *remaining* real and personal property and debt of the parties, the character of which is disputed and to be decided by the Court. This last item consists of all real and personal property and debt of the parties not covered under the first two stipulations.

If either party separately desires--or the parties together desire to do so--he/she/they may additionally propose to the Court, at trial, after complying with the foregoing paragraph, a division of all or part of the marital property. The Court is not bound by the proposal, but will give proper consideration to the wish(es) of the party/parties.

RULE 11
TAX FILINGS OF PREVIOUS YEAR

In all contested matters, the parties shall file with the Court, on or before the day of trial, their tax filings of the previous year. This rule shall not preclude or limit counsel's right to discover same earlier.

RULE 12
MEDICAL INSURANCE

Any party ordered to maintain medical insurance coverage for minor children shall provide the other party with all necessary documents evidencing proof of coverage. The duty is a continuing one. Medical expenses include but are not necessarily limited to medical, dental, orthodontic, psychiatric, and psychological expenses.

RULE 13
CRITERION DAY

In all orders and judgments specifying a numbered weekend or weekends of a month, Friday shall be the criterion day. For example, if March 1st is a Friday, that is the first weekend of the month. If March 1st is a Saturday, the first weekend of the month begins on Friday, March 7th.

RULE 14
ORDERS OF RECONCILIATION

In all cases of reconciliation, if the cause is not simultaneously dismissed by the plaintiff/parties, an order of reconciliation using substantially the following language shall be

submitted by counsel:

It appearing to the Court that a Complaint for Divorce was filed by the Plaintiff herein on _____, and it further appearing upon written stipulation of the parties that they desire to attempt a reconciliation of their differences without jeopardizing the cause of action now pending, as evidenced by their signatures upon this Order,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That in accordance with Tenn. Code Ann. §36-4-126, all proceedings in this cause are hereby suspended without prejudice for a period of six (6) months.
2. That during the period of suspension the parties may resume living together as husband and wife and their acts and conduct in so doing shall not be deemed a condonation of any prior misconduct.
3. That this Order shall continue for a period of six (6) months from entry, at which time the Court shall dismiss the Complaint, absent motion to the contrary filed by either party.
4. That, should said Complaint be dismissed, the costs shall be taxed to the parties, for which execution may issue.

RULE 15
TAXING OF COSTS: ADDRESSES

No judgment or order shall be submitted for the Judge's signature without setting forth therein the most current residence address and place of employment of the party or parties to whom the costs are to be taxed.

RULE 16
[RESERVED]

RULE 17
*Retained for use by older cases;
Rule 17 has been supplanted by Local Rules 25 and 26 below, effective January 1, 2000.*

(A) In the event that there is no agreement between the parties regarding visitation and there needs to be an Order, co-parenting time shall be as follows:

- a. 1st and 3rd weekends from Friday at 6:00 PM to Sunday at 6:00 PM.
- b. December 25 at 6:00 PM to January 1 at 6:00 PM.
- c. July 1-15 each year.
- d. Thanksgiving holidays, from Wednesday at 6:00 PM to Sunday at 6:00 PM.
- e. The child's spring vacation.

f. Phone communication at such times and with such frequency as is reasonable.

g. All exchanges of the child shall be done between 6:00 PM and 6:15 PM, with the actual transportation done by that parent who is receiving the child.

(B) Circuit Court Division Four takes judicial notice of the dangers of second-hand, or passive, smoke. Parents will not expose their children to tobacco smoke in enclosed spaces, or allow others to expose them to it. That means NO SMOKING indoors or in vehicles with the children present. It means not allowing them to be in the presence of others who do so. It means parents must keep the air in their home clean.

If children are exposed to smoke, it will be strong evidence that the exposing parent does not take good care of them.

RULE 18 APPLICATIONS FOR FEES

All applications for attorney fees, other than *pendente lite*, shall be supported by a sworn statement setting forth in detail the basis for the fee sought.

RULE 19 ENTRY OF JUDGMENTS AND ORDERS

Prompt entry of judgments and orders is of the first importance. Counsel for the prevailing party will promptly prepare an appropriate judgment/order and submit it to adverse counsel within five (5) days of the hearing (or if the Court has dictated a memorandum opinion from the bench, within five (5) days of receipt of the written memorandum opinion). Adverse counsel shall approve the proffered judgment/order and forward it to the court immediately for entry.

Within five (5) business days of receipt of a proposed judgment/order, adverse counsel shall either approve same or draft an alternative and forward it to prevailing counsel. If prevailing counsel does not approve same within five (5) business days of receipt, either party may set the matter for hearing on the court's next motion docket at which time counsel shall succinctly point out the differences and show where opposing counsel is inaccurate.

In the event adverse counsel does not respond to the original judgment/order as set forth above, prevailing counsel may deliver the proposed judgment/order to the court with a certificate of service thereon showing compliance with TRCP 58, and a cover letter setting forth compliance with this local rule. A copy of the letter shall be sent to adverse counsel along with the proposed judgment/order. Thereafter, if no response is received by the court from adverse counsel, the court may summarily enter the proposed judgment/order.

In framing judgments and orders, neither counsel shall enlarge upon, expand, or vary that which was pronounced by the judge, unless and except by prior agreement with adversary counsel.

If no judgment or order has entered after thirty (30) days have elapsed from the original hearing, the clerk shall set the matter upon the motion docket to show cause why the underlying matter should not be dismissed.

RULE 20 SUPPORT ARREARAGES

Counsel may greatly assist the presentation of cases alleging arrearages in Court-ordered support by using graphic exhibits.

RULE 21 PAPERS AND RECORDS

All papers and records of the Court shall at all times be kept under the custody and control of the Clerk, who will be responsible for the safekeeping, and no person except the Clerk and Deputy Clerks shall be allowed access to the filing cases in which papers are kept or allowed to remove any papers therefrom. No file shall be withdrawn from the Court.

RULE 22 PUBLICATION

(A) The use of service of process by publication in lieu of personal service upon defendants who live out of state, or whose whereabouts are not known, is a means of process intended to give actual notice to defendants, or to persons who, having seen the notice, will contact the defendants.

The due process requirement that parties be notified of proceedings affecting their interests is a vital corollary to one of the most fundamental requisites of due process, namely, the right to be heard. *Baggett vs. Baggett*, 541 S.W.2d 407 (Tenn. 1976); *Schroeder vs. City of New York*, 371 U.S. 208, 83 S. Ct. 279, 9 L.Ed.2d 255 (1962).

The custom in Knox County of publishing legal notices in a newspaper of limited circulation, read mainly by lawyers, is not a means reasonably calculated effectively to advise parties of legal proceedings.

Truly indigent defendants unable to afford publication in a newspaper of wide circulation have access to publication by posting, *Dungan vs. Dungan*, 579 S.W.2d 183 (Tenn. 1979), 47 Tenn. L. Rev. 845.

All local notices published by newspaper and made a part of the proceedings shall appear in a newspaper of general circulation within the area of Knox County and its contiguous counties. If counsel desire, an abbreviated notice may be placed in *the general circulation newspaper* bearing (1) the defendant's name in bold type; (2) the style, docket number, court

name, and nature of the proceeding; and (3) the name and telephone number of plaintiff's attorney. If this route is chosen, the full legal notice must additionally appear in another Knox County newspaper. An example of an abbreviated notice is:

JOHN ROBERT JONES

A divorce complaint bearing docket number 34567 has been filed against you in Knox County Fourth Circuit Court. Contact plaintiff's attorney, Rebecca Smith, (865) 584-1234.

(B) In all cases in which service of process is to be effected by publication, whether local or otherwise, the Court requires affidavits by counsel and the client, setting forth:

- (a) all efforts made to locate the defendant;
- (b) the success of those efforts;
- (c) that there are no further reasonable efforts to be made;
- (d) that after all of the foregoing, publication was done in a newspaper of general circulation in that county where the defendant--or persons in contact with the defendant--is/are most likely to be found.

The affidavits should set out, for example, contacts made with past employers of the defendant in Topeka, with his kin in Michigan, with his former neighbors in Knoxville; researches made in city directories, phone books, and by Internet; and all other efforts to locate the defendant and apprise him of his litigation. In short, all efforts must be made--and attested to--which a person would make as if really intending to locate the defendant.

RULE 23

TRIAL MANAGEMENT/SETTLEMENT CONFERENCES

All complaints for divorce which have already been scheduled by the Judicial Secretary for contested trial will have a trial management/settlement conference. Counsel may additionally request trial management/settlement conferences in divorces not yet scheduled for contested resolution, as well as in post-divorce matters. In both instances, a trial management order shall issue from the Court, setting out the preparation required for the trial management/settlement conference. **BOTH COUNSEL AND BOTH PARTIES MUST BE PRESENT IN OPEN COURT FOR THE TRIAL MANAGEMENT/SETTLEMENT CONFERENCE.**

To prepare for the trial management/settlement conference in a new divorce, each attorney shall mail/FAX/hand-deliver to the other a series of proposed filings to comply with Local Rule 10 above. The exact scheduling of the exchanges between counsel will be detailed in the pre-trial order which the Court will issue. In any event, however, no later than the day of the trial management/settlement conference, counsel shall FILE with the clerk of the court one document, signed by both counsel, stipulating all **MARITAL, SEPARATE, and DISPUTED STATUS** assets and debts. If assets or debts are discovered/acquired after the Rule #10 filing, counsel may apply to the court by motion for an amendment; otherwise, the filing at time of the trial management/settlement conference will be binding and conclusive at trial.

At the trial management/settlement conference the following matters will be dealt with:

1. Date for conclusion of any remaining discovery.
2. Date for exchange of binding witness lists.
3. Date for exchange of pre-numbered exhibits (wife) and pre-lettered exhibits (husband), the admissibility of which is not contested.
4. Any other pre-trial matters counsel may wish to raise.
5. A formal settlement conference. At the settlement conference issues will be defined and narrowed. Following that, parties and counsel will withdraw from the courtroom for negotiation and possible agreed resolution of outstanding issues. Counsel and parties will report the outcome of their negotiation in open court the same day. If an agreement is reached settling the case, the court will hear the agreement and--if indicated--bind the parties *instanter*. If no agreement has been reached, the issues remaining for trial will be noted and counsel will reduce the same to an Order Pursuant to Trial Management Conference.

RULE 24
PAPERS NOT TO BE FILED

In keeping with Tennessee Rules of Civil Procedure 5.05, all papers after the complaint required to be served upon a party shall be filed with the court either before service or in a reasonable time thereafter, but additionally by this local rule it is ORDERED that

depositions upon oral examination;
interrogatories;
requests for documents;
requests for admission;
and answers and responses thereto

shall NOT be filed with the court except pursuant to special order of the Court, or for use in the proceedings.

RULE 25
TOBACCO SMOKE

Circuit Court Division Four takes judicial notice of the dangers of second-hand, or passive, smoke. Parents will not expose their child(ren) to tobacco smoke in enclosed spaces, or allow others to expose them to it. That means NO SMOKING indoors or in vehicles with the child(ren) present. If the child(ren) are exposed to smoke, it will be strong evidence that the exposing parent is not properly caring for them.

RULE 26
PENDENTE LITE CO-PARENTING

- (A) In the event that there is no agreement between the parties regarding co-parenting time and there needs to be a court order, *pendente lite* co-parenting time shall be as follows:

1. Ongoing co-parenting time will follow a two-week schedule; the non-residential parent will enjoy:

Week One: Friday at 6:00 p.m. until Monday morning, returning the child(ren) to school or daycare at the appropriate time, or to other parent at 9:00 a.m.. Week one begins on the Friday following the filing date of the Complaint for Divorce.

Week Two: Thursday evening pick-up from school or daycare, at the appropriate time, or from other parent at 6:00 p.m.; Friday morning, return to school or daycare at the appropriate time, or to other parent at 9:00 a.m.

2. Summer: June 1-15 and July 1-15 to the non-residential parent. June 15-30 and July 15-30 to the residential parent. These 15-day periods are continuous, overriding #1 above (as noted below in #10).
3. Thanksgiving: Wednesday at 6:00 p.m. to Monday morning, returning the child(ren) to school or daycare at the appropriate time, or to other parent at 9:00 a.m. In odd years the non-residential parent enjoys this time, in even years the residential parent.
4. Spring Break: The non-residential parent enjoys this time in even years, from Friday at close of the school the child attends until Monday morning return to school as above. If the child is not in school, then spring break follows the period of the Knox County school system; however, if the child has older siblings, the spring break for that child shall follow that of the oldest minor sibling. In odd years, the residential parent enjoys this time.
5. Christmas Break: The non-residential parent enjoys December 25 at 6:00 p.m. until the return to school, or daycare on the day of school reopening, or to the other parent at 9:00 a.m. The residential parent enjoys from 6:00 p.m. of school out until December 25 at 6:00 p.m.
6. Federal holidays which follow the non-residential parent's weekend extend a weekend until Tuesday morning.
7. Mother's Day with mother, and Father's Day with father, 9:00 a.m. to 9:00 p.m.
8. All exchanges of the child(ren) shall be done within a 15-minute window (e.g., between 6:00 p.m. and 6:15 p.m.).
9. Transportation shall be done by that parent or parent's agent who is receiving the child(ren).
10. Holiday/extended co-parenting time takes precedence over the ongoing Week One/Week Two co-parenting schedule.

(B) If either party is dissatisfied with the schedule set forth in (A), that party may file a

motion for a hearing regarding the issue of *pendente lite* co-parenting time. **Ordinarily, no such motion shall be scheduled upon the court's docket prior to the expiration of sixty (60) days from the filing of the complaint for divorce and after the parties have completed at least four mediation sessions to address this issue.** However, if the child is two years old or younger; or if either parent has filed a sworn pleading asserting that the child(ren) will suffer harm if temporary custody is not immediately placed with parent; or if either parent has filed a sworn pleading asserting that the child(ren) will suffer harm if the schedule set forth hereinabove is adhered to, then the motion may, in the discretion the court after argument of counsel, be scheduled for hearing prior to the expiration of sixty (60) days and without mediation having occurred.

(C) Tenn. Code Ann. §36-6-110 (Parents' Bill of Rights) is incorporated in this rule as if set forth verbatim herein.

(D) Rule 26 replaces Rule 17 of the Local Rules of the Fourth Circuit Court as of its effective date of adoption, January 1, 2000. Historical Rule 17 will continue to apply in those cases which incorporated it specifically, or its provisions, prior to the effective date of Rule 26. After the effective date of Rule 26, parties can--as always--elect whatever co-parenting provisions they wish by agreement, reduced to court order, including provisions which may in fact duplicate historical Rule 17.

RULE 27 PERSONAL PROPERTY ITEMS

In *pendente lite* divorce proceedings in which the furniture and furnishings of the parties are situated dominantly with one party, counsel may anticipate, upon application being made therefor by motion, an order containing substantially the following provisions:

A. Each party shall forthwith furnish to the other those items of personal property which are undeniably separate property as defined by Tenn. Code Ann. §36-4-121.

B. Each party shall immediately furnish to the other those items of personal property which are of a uniquely personal nature.

C. Each party shall furnish to the other a portion of marital furniture and furnishings consistent with individual dignity.

D. A full and exact inventory shall be kept of all items furnished under A, B, and C. Video taping may be employed if desired.

E. Each person holds each and every item of marital and separate property as trustee for the other until trial. Each is enjoined from wasting, disposing, converting, selling, or in any wise changing the character of, any of the items except by agreed order entered with the Court and signed by counsel.

- F. Should a party withhold items of category A, B, or C above, the withholding party does so at his/her peril. A party's decisions as to the items in category A, B, and C above, will be examined at trial as evidence of that party's posture in equity.

LOCAL RULE 28
NEW DIVORCE FILINGS WITH CHILDREN
AND NEW PARENTAGE CASES

Whereas the General Assembly of Tennessee created, effective 1 January 2001, a program of alternative dispute resolution and parenting plans for domestic relations cases involving minors, this court shall receive divorce and parentage filings in the following manner:

(28A) In addition to following all applicable statutes, in particular Tenn. Code Ann. §36-6-224, the plaintiff or counter-plaintiff shall also file one of the following four “papers,” in all divorces and parentage cases:

- a. an Agreed Permanent Parenting Plan (signed by both parents, no temporary plan needed); or
- b. an Agreed Temporary Parenting Plan (signed by both parents); or
- c. a Proposed Temporary Parenting Plan (signed by one parent), possibly accompanied by:
 - (1) a Tenn. Code Ann. §36-6-406 Affidavit for Supervised Co-Parenting, along with a notice to the defendant to appear at the next available motion day of the judge to whom the case is assigned, for a hearing as to whether a different form of co-parenting should take place; or
 - (2) a Tenn. Code Ann. §36-6-406 Affidavit for No Co-Parenting, along with a notice to the defendant to appear at the next available motion day of the judge to whom the case is assigned, for a hearing to determine whether any co-parenting should take place, and if so, in what form; or
- d. an affidavit of counsel that the parties are operating under a satisfactory, unwritten, temporary parenting plan, and accordingly no filing of a temporary parenting plan is necessary.

(28B) However, if a plaintiff or counter-plaintiff wishes a Proposed Temporary Parenting Plan to be approved immediately without a hearing, and wishes that plan to govern the case until further hearing or subsequent order, he/she shall additionally file, either with the complaint (counter-complaint) for divorce, or later, a separate document entitled “Local Rule 28B Verified Statement.” The text of the statement is available at this court’s website, www.knoxcounty.org/fourthcircuitcourt/pdfs/verifystatement.pdf

The Clerk shall then present the “Local Rule 28B Verified Statement” with its supporting documents, and the plaintiff/counter-plaintiff’s Proposed Temporary Parenting Plan, to the Judge. If the plan appears facially reasonable, the Judge will enter the same as the pendente lite order of the court, pursuant to TRCP 65.07, without a hearing.

If the adversary disagrees with the plan, he/she may contact the Judicial Secretary (865-215-2399) requesting the immediate entry of an order mandating mediation, and may also contact the Clerk to set the case for hearing on the next motion day of the judge to whom the case is assigned.

If the adversary disagrees with the plan only as to its support provisions, or if the affiant had no knowledge of the adversary's income (and therefore obtained a support order based upon minimum wage, or upon the statutorily presumed earnings), either party may set the case before the Referee for a prompt hearing, which hearing shall occur not later than fourteen days from the filing of the request for a hearing.

RULE 29 CUSTODY MODIFICATIONS

Petitions to modify previous custody orders (or previous parenting plans) shall follow the procedure set forth in Rule 28A. In contested cases, the previous custody order or previous parenting plan will continue in effect until completion of new Parent Education Seminars; the completion of the alternative dispute resolution process; and the entry of a new order by the court (either by agreement of the parties, or after hearing), unless for good cause shown the court orders otherwise under the provisions of Local Rule 28B.

Local Rule 28B may be used by counsel in modification proceedings, as well as in the original divorce or parentage proceedings.

RULE 30 INTERVENTION PROGRAMS FOR DOMESTIC VIOLENCE

As to persons coming before this court who are violent to, and/or control others, from and after 31 March 2006, this court will refer such persons only to programs certified by the State of Tennessee as qualified to provide intervention in those behavior patterns. See Tenn. Code Ann. §38-12-101, *et seq.*

RULE 31 ELECTRONIC FILING OF PETITIONS FOR ORDERS OF PROTECTION

Pursuant to Tenn. Code Ann. §§16-1-113 and 16-1-115, as well as Tennessee Attorney General's Opinion #00-124, the following shall be the rule for the electronic filing of petitions for orders of protection:

Internet Filing

The filing of petitions electronically through the internet is predicated on the availability of an electronic signature pad. Presently, the only authorized signature pad is located at the Family Justice Center (FJC). This device will allow the petitioners' signatures to be transmitted to the Clerk's office and will not retain in any way the signatures for further use or recognition. Petitioners will have their signatures notarized at the FJC. Forms will be sent by the internet to

the Clerk's office for the Judge's consideration, possible entry, filing, scheduling, and service of process.

Fax Filing

Petitions may also be filed electronically via FAX. Petition forms will be available electronically or on hard copy. These forms may be completed at the FJC or at an attorney's office. After the application is complete, the petitioner will appear before a Notary Public or Clerk of Court to be sworn and to sign the original affidavit. The application may then be filed by FAX to the Clerk's office for the Judge's consideration. **However, no process shall issue until the Clerk has received the original hard copy affidavit verifying the petition with the petitioner's signature.**

ENTER, this 16th of December 2009:

Judge Bill Swann